

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

MICHAEL F. CONFER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:05CV93 CDP
	)	
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	


**MEMORANDUM AND ORDER**

This matter is before me on the complaint of Michael F. Confer for judicial review under 42 U.S.C. § 405(g) of defendant's final decision denying his applications for Disability Insurance Benefits under Title II of the Social Security Act and Supplemental Security Income benefits under Title XVI of the Act. I referred this matter to United States Magistrate Judge Lewis M. Blanton for a report and recommendation on dispositive matters and for rulings on non-dispositive matters, pursuant to 28 U.S.C. § 636(b)(1). On August 22, 2006, Judge Blanton filed his recommendation that the decision of the Commissioner be reversed and that this case be remanded to the Commissioner for further proceedings. Neither party has filed objections to the Report and Recommendation and the time for doing so has expired.

After careful consideration, I will adopt and sustain the thorough reasoning of Magistrate Judge Blanton set forth in support of his Report and Recommendation of August 22, 2006. I will reverse and remand this case to the Commissioner for proper consideration of plaintiff's mental residual functional capacity based on the medical evidence in the record, and to order, if needed, additional medical information addressing plaintiff's ability to function in the workplace in light of his mental impairments. In addition, the vocational expert should be reexamined based upon a proper assessment of plaintiff's mental residual functional capacity. Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the Magistrate Judge [# 17] be adopted in its entirety. The decision of the Commissioner denying Michael Confer's applications for benefits is **REVERSED** and this case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

A separate judgment will be entered this same date.

  
\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 12th day of September, 2006.